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REMARKS

Claims 1-8, 11-25, 28-33, 42-52 and 55-57 are pending and under consideration. The following remarks are respectfully submitted.

I. Rejections Under 35 USC § 102

Claims 1-8, 11-16, 20-25, 28-33, 42-52 and 55-57 stand rejected under 35 USC § 102(b) as being anticipated by U.S. Patent No. 5,545,200 to West et al. ("West"). Applicants respectfully assert that the claims of the present invention are patentably distinct from West and the rejection is respectfully traversed.

As described, for example, at page 14, line 7 to page 15, line 9, in reference to FIGS. 1 and 2, the present invention is directed to an elongated medical instrument having an instrument body proximal segment 18 formed of an elastic material capable of being stretched axially under axially applied tension applied directly at the instrument proximal segment 18. The axially applied tension, applied at the proximal segment 18 is transferred to the inelastic pull wire 50 which counters the extension of the proximal segment by bending an instrument distal segment 20 in a radial direction 38 away from an instrument body axis 36.

In particular, the proximal segment 18 is bounded by proximal and distal structures 62 and 64 adapted to be fitted in a hand-held tool (100, 130, 150 of FIGS. 6, 8 and 9, respectively) to be engaged thereby. Manipulation of the tool applies tension that stretches the proximal segment 18 of the elongated medical instrument from its relaxed length L_r to a tensioned length L_t .

Therefore, as described previously, independent claims 1, 11, 28 and 42 set forth an elongated medical instrument that includes an instrument body 12 having an instrument body proximal segment 18 which is formed of an elastic material capable of being stretched axially under axially applied tension applied directly at the instrument body proximal segment to impart a curve to a distal segment 20 of the instrument body 12.

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West teaches an elongated medical instrument that includes an instrument body 22 having a distal end 24 and a proximal end 26, with a deflectable tip 28 fixed to the distal end 24 of the instrument body 22 and a handle 38 secured to the proximal end of the instrument body. See column 8, lines 22-37. The distal tip may be deflected through manipulation of a manipulator wire 58 and a torquing core wire 72 by pulling on a slide 40 and a ring 42, respectively, located on the handle. Therefore, while West teaches deflecting the distal end of the instrument body through manipulation of the handle, West teaches the deflecting being performed by manipulating the slide 40 and ring 42, which are directly coupled to the manipulator wire 58 and torquing core wire 72. No stretching of the instrument body proximal segment takes place in West, i.e., manipulation of the slide 40 and ring 42 does not stretch the proximal segment 26 of West. Therefore West does not teach an instrument body proximal segment that is formed of an elastic material capable of being stretched axially under axially applied tension applied directly at the instrument body proximal segment to impart a curve to a distal segment of the instrument body, as set forth in independent claims 1 and 11 of the present invention.

Nor does West teach an enlarged diameter proximal tension applying ring coupled to the instrument body proximal segment at a proximal site of the instrument body proximal segment, an enlarged diameter distal tension applying ring coupled to the instrument body proximal segment at a distal site of the instrument body proximal segment and separated from the proximal tension applying ring by a relaxed length of the instrument body proximal segment, and a hand-held tool having a first surface that engages the proximal tension applying ring and a second surface spaced from the first surface that engages the distal tension applying ring and a spanner extending between the first and second surfaces that can be manually adjusted to increase the spacing between the first and second surfaces to axially apply tension to and increase the length of the instrument body proximal segment, as set forth in independent claim 28, or tension applying means for selectively applying axial tension directly at the

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instrument body proximal section to stretch the instrument body proximal segment, as set forth in independent claim 42 of the present invention.

Furthermore, West does not teach a first member positioned at the proximal end of a proximal segment, and a second member positioned at the distal end of the proximal segment and spaced a first length from the first member, wherein the proximal segment is advanced from the first length to a second length greater than the first length in response to axial tension being applied to at least one of the first member and the second member, as set forth in independent claim 55 of the present invention. Rather, West teaches deflecting the distal end of the instrument body through manipulation of the handle, and does not involve stretching of the instrument body at its proximal end, i.e., where the handle is located. The only stretching taught by West takes place at the distal tip of the instrument body via manipulation of the slide 40 and ring 42, which are directly coupled to the manipulator wire 58 and torquing core wire 72. Manipulation of the slide 40 and ring 42 does not stretch the proximal segment 26 of West.

Therefore, independent claim 1 and claims 2-8 dependent thereon, independent claim 11 and claims 12-16 and 20 dependent thereon, independent claim 21 and claims 22-25 dependent thereon, independent claim 28 and claims 29-33 dependent thereon, independent claim 42 and claims 43-52 dependent thereon, and independent claim 55 and claims 56 and 57 dependent thereon are patentably distinguishable from West. Accordingly, it is respectfully requested that the rejection be withdrawn.

II. Rejections Under 35 USC § 103

Claims 17-19 stand rejected under 35 USC § 103(a) as being unpatentable over West in view of U.S. Patent No. 5,824,031 to Cookston et al. ("Cookston"). The rejection is respectfully traversed.

Cookston teaches a terminal pin 12, connected at the proximal end 14 of an instrument body 16, that includes a retractable piston 32 having a distal knob

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44 to facilitate longitudinal displacement of the distal knob within a cylindrical body 30. A wire 18 extends within the instrument body 16 and exits its proximal end 36 to be connected to the piston 32, so that longitudinal displacement of the piston applies tension to the wire 18 to deflect a distal tip 22 of the instrument body 16. See Column 6, line 9 to column 7, line 26, in reference to FIGS. 1-3 of Cookston.

Neither West nor Cookston, alone or in combination, teach or suggest an instrument body proximal segment that is formed of an elastic material capable of being stretched axially under axially applied tension applied directly at the instrument body proximal segment to impart a curve to a distal segment of the instrument body, as set for in independent claim 11 of the present invention. Therefore, independent claim 11 and claims 17-19 dependent thereon are patentable distinguishable from West and Cookston. Accordingly, it is respectfully requested that the rejection be withdrawn.

III. Conclusion

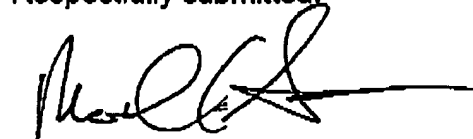
There being no further outstanding objections or rejections, it is submitted that the claims of the present application are in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned attorney to attend to these matters.

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Respectfully submitted,



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